

G. R. S. 58]

Previous references.

1895

File No. 3 of 1895

19

(*Courts*)

Serial Nos. 1-9

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-9

major Part B for Nov 97

SUBJECT.

*Rule of practice authorizing the Civil Courts
to Grant refund of unexpired process fees.*

sl. 9.

Countermarched

Reas.

Letter No. $\frac{2896}{125}$ of 14:
December 1895 from the
Registrar of the Chief
Court of Mysore submitting
for sanction a draft Rule
of Practice framed by the
Chief Court, under the
provisions of Sec. 20 of the
Mysore Chief Courts
Regulation, 1884, authorizing
Civil Courts to grant
refunds of unexpended
process fees.

~~Order thereon
The draft rule is approved
Sanctioned
and may be published~~

Secretary

20

The Registrar, Ch. Court
returning the Draft Rule
of Practice for publication
in the Mysore Gazette.

2

Subd B 1417.

I entertain doubts
as to the legality of the
proposed Rule of
Practice. Section 20
does not seem to
authorize the Chief
Court to make rules
in a matter of this
kind. It is I think
for the Court to make
such rules as an
addition to the rules
published in the
Notification of 10th
January 1880. Q

217/96

Re. The Rules
could not be
spread under s 20
of the Act but
not under s 20
of the Act. We
may amend the
preamble of the Rule
according. But my
only doubt is whether
a reference of the
proposed could be
made, all as ~~above~~
as 10, 11, 12, 13 & 14 not being off limits.
The request is allowed
in various I understand.
and the Rule is framed in the

Let me see
the proposed
Supp
217/96
3/7/96

Subsided

(6)

In the case noted by the 3^d C.^r, the proper procedure seems to be to ~~order~~ order payment of the value of the unused stamps in money to the party, the stamps being at the same time destroyed or cancelled. To prevent fraud by the Nazir, the stamps may be ret^d to the party for production before the Measur^e authorities who may cause their destruction.

+ If necessary, a ref^e may be made to the Chief Com^r.

12/12/96

Draft a reference and submit it to 3^d C.^r -

12-12-96

12/12

I have no objection to the proposed ref^e by

me -

all

12/12/96

Q

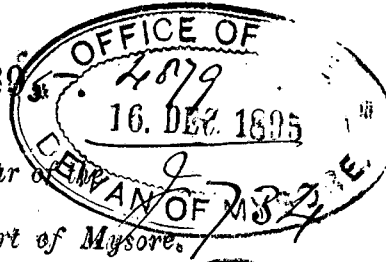
15-12-96

Subj to 3^d C.^r with
15/12

(General Serial No. 30).

From

1895



Section <u>Police Court</u>		The Registrar of the Court of Mysore.	
No. <u>3-95</u>	To <u>1</u>	General	
Serial No. <u>1</u>	The Chief Secretary Government to the Dewan of Mysore.		

Dated 14

Despatched 16

Received 17/12/95

Enclosures No. 1

General No. 2896

No. 125

December/95

Forwards, for sanction, the
accompanying draft Rule
of Practice authorizing Civil
Courts to grant refunds of
unexpended process fees.

16/12/95 - moved to
Sub. Secy. - Mr. A. Prater
why not - Has any
3076 - file - new
in this -
15/6/96

No 2896
125
Encl. 1.

Bangalore 14th December 1895.

From

The Registrar of the
Chief Court of Mysore.

①

To

The General Secretary to the
Government of Mysore.

Sir,

I am directed to forward
the accompanying draft Rule of
Practice, framed by the Chief Court,
authorizing Civil Courts to grant
refunds of unexpended process fees,
and to request the sanction of Govern-
ment to the same, under Section 20
of the Mysore Chief Court Regulation,
1884.

I have the honor to be,
Sir,

Yours most obedient servant,
Mayasatra Mud
Registrar.

46

Send a copy of
the draft as
it regulated
the other three &
as the thing
is not yet
settled

677,96

1/a

In the Chief Court of Mysore.

Civil side

Rule of Practice No. dated

1895.

The/Chief Court
has made a rule
regarding the
refund of process
fees in certain
cases has been
made of the Chief
Court. I am
satisfied of the
Chief Court. The
rule is as follows
of the Chief Court
1895, in which
the rule is as follows
in the Chief Court.

The Chief Court issues the following
rules for the refund of unexpended
process fee.

1. When more than the amount
required for the service of process is
deposited, or when issue of process
becomes unnecessary after deposit,
the Courts are authorized to refund
to the depositor the amount of the
surplus fees in money, by orders
payable on the Treasuries of the
District or Taluk in which the
Court receiving the process is situated.

2. A list, in the subjoined
form, of refunds so made, must

be

X

and certified as correct by the presiding
Judge.

Statthalter
Registrier

dx b

		To	Phenac-	Acid	Dial
x 80 mg y S.C.	Sale of dete-	Particular about p.p.s.c. 9. 10. 11. geographical base similar	nitrogen	o. 10. 11.	Regime

No. 531 d. 10-7-96
 934 Encl

Section	Police Courts
3-95	
Serial No.	Mr. Augustus
	Chf Court

(3)

in

I am directed to forward copy of the rule of ~~prof~~ practice proposed in your letter No. $\frac{2896}{125}$ the 14 Dec 1895 slightly altered in this office and to ~~examine~~ request the judges of the court whether in the opinion of the judges of the court ~~think it will do~~ it answers the purpose

I have

d.

9-7-96

W. Leg
 7/7

In the Chief Court of Mysore.
Civil Side.

Rule of Practice No. dated

189

3
a

The following Rule, providing for the refund of process fees in certain cases having been made by the Chief Court of Mysore and confirmed and sanctioned by the Government of Mysore under the provisions of Section 20 of the Court Fees Act, 1870 is hereby published for general information:—

1. When more than the amount required for the service of process is deposited, or when issue of process becomes unnecessary after deposit, the Courts are authorized to refund to the depositor the amount of the surplus fees in money, by orders payable on the Treasuries of the District or Taluk in which the

the court receiving the process is situated.

2. A list, in the subjoined form, of refunds so made, must be attached to the half yearly cash balance statements headed "Refunds of process fees."

Name of Deponent - to -	Date of Depo- - sit	Particu- - lars of pro- - cess fees, paid in stamps	For what purpose paid	Whether not utilized	Amount of Refund	Date of Refund
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and certified as correct by
the presiding Judge.

27/10/96

1896-97 3566
2. 518

Section	Police Courts
From	3-95
No	The Registrar of the
Serial No	3 Chief Court of Mysore.

To

The General Secretary
to the Government of Mysore.

4

Dated 20th Oct/96

Despatched 21st

Received 23 —

Enclosures No.

General No. 2371

No. 111

States that in the
opinion of the Judges
of this Court, the proposed
rule of practice regarding
the refund of process fees
in certain cases with
the alteration made will
answer the purpose for
which it is intended.

34

Jud

21.10.96

Subd with ref on

and 24/10/96.

N^o 2371
111

Bangalore 20 October 1896.

From,

The Registrar of the
Chief Court of Mysore.

To,

The Secretary to the
Government of Mysore.

Sir,

In reply to your G^o 531 dated
10th July 1896, I am directed to state
that, in the opinion of the Judges of this
Court, the proposed rule of Practice re-
garding the refund of process fees in
certain cases, with the alteration made in
your Office, will answer the purpose for
which it is intended.

I have the honor to be,
Sir,

Your most Obedient Servant,

Shyamasundar

Registrar.

Ab

No. 5564-5 of 14-11-96.
8642

Section	Courts
No	3-95
Serial No	4

Reas.

5

Correspondence ending

letter No 2371 of 20-10-96
111

from the Registrar of the
Chief Court of Mysore, stating
that the proposed Rule
of Practice authorizing
the Civil Courts to grant
refunds of unexpended
process fees, as altered
by Government, will
answer the purpose for
which it is ~~intended~~
intended.

Order thereon
The following ~~Rule~~ ^{practice} ~~is altered~~
is sanctioned, and
~~may be published in the~~
~~altered Gazette~~

[Here enter Rule]

Subd to Secy

27/10/96

Secretary

20

The Registrar, Ch. Ct. with
copy of the Rule as
altered for publication
in the Gazette.
(amp)

Print

Proceedings of the Government of Mysore, Judicial, dated 14th November 1896.

5

READ:—

Correspondence ending with letter No. 2371-111, dated 20th October 1896, from the Registrar of the Chief Court of Mysore, stating that the proposed Rule of Practice authorizing the Civil Courts to grant refunds of unexpended process fees, as altered by Government, will answer the purpose for which it is intended.

No. 5564-5—J. 642, DATED, BANGALORE, 14TH NOVEMBER 1896.

ORDER THEREON:—The following Rule of Practice is sanctioned:

When more than the amount required for the service of process is deposited, or when issue of process becomes unnecessary after deposit, the Courts are authorized to refund to the depositor the amount of the surplus fees in money, by orders payable on the treasuries of the district or taluk in which the Court receiving the process is situated, *the unexpended stamps duly punched and cancelled being attached thereto as vouchers for the money refunded.*

2. A list, in the subjoined form, of refunds so made, must be attached to the half yearly cash balance statements headed "Refunds of process fees" and certified as correct by the Presiding Judge.

Name of depositor.	Date of deposit.	Particulars of process fees paid in stamps.	For what purpose paid.	Why not utilized.	Amount of refund.	Date of refund.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore.
The Comptroller in Mysore.

To Mr. Comptroller

Refunds in money are ordered above.

Generally the deposits in Courts are made by the parties or their lawyers in stamps. What is to be done with the stamps deposited, when refunds in money are ordered, is not mentioned in the above order. If the stamps are left in the hands of the parties, a door for fraud is sure to be opened. A remedy is needed. I think

11-12-96

[Signature]

Mid.—H.A.E.

1896-97

GOVERNMENT OF MYSORE

JUDICIAL.

PROCEEDINGS

Dated 14th November 1896

No. 5564-5
J. 642

Sanctioning a Rule of Practice authorizing the Civil Courts to grant refunds of unexpended process fees.

N.G.O.P.B. 25-11-96-120

No. 7129
8804 818-12-96-2

(7)

Subm. 15/12/58

Section	<u>Police</u>
File No	<u>3-95</u>
Series No	<u>5-L</u>

Registrar of the
Chief Court of Mysore

Adverting to Govt

Pro. No. 5564-5 of 14/12/58
8642 1896

sanctioning a Rule of Practice
authorizing the refund of
unexpended process fees
in money, I am to request
you to favour the Govt
with the views of the Chief
Court as to what ^{should} ~~can best~~
be done with the unused
stamps deposited, in respect
of which refunds in money
are ordered, so as to prevent
fraud of any kind being
practised ~~with the same~~
by Nazirs and others.

I have

14/12/58

Secretary

14

(General Serial No. 30.)

Courts
Section *Police*
No *3-93*
Serial No *6*

The Registrar of the
Chief Court of Mysore.

J 1118
1896-97
7897
20-3-97

(8)

To

The General Secretary
to the Government of Mysore.

Dated 17th March/97

Despatched 19th —

Received 2nd —

Enclosures No. 1

General No. 4868

No. 203

Forwards for the approval
of Government a draft
Addendum to the Rule of
Practice N. 89 of 15th Decr/96,
regarding the disposal of
unused stamps in respect
of which refunds are ordered.

J 2073/97

Refers
2073-

J. F. No. 7 of 1896-7 as the
subject put up. Jm 27/3/97

N^o 60258
203

(8)

Bangalore 17th March 1897.

From

The Registrar of the
Chief Court of Mysore.

To

The Secretary to the
Government of Mysore.

Sir,

Adverting to your letter no: $\frac{7129}{9804}$
dated 18th December 1896, enquiring, with
reference to Rule of Practice No. 89 dated
16th Idem, authorizing the refund of un-
expended process fees in money, what
should be done with the unused stamps
in respect of which refunds are ordered,
I am directed to state that such stamps,
duly punched and cancelled, may be
sent attached to the Refund orders
issued to the Treasury Officer to be
destroyed by him after satisfying
himself

himself that the value of the stamps is equivalent to the money paid. The Comptroller may be instructed by Government to authorize all the District and Taluk Treasury Officers to receive and destroy the stamps as suggested.

2. A draft Addendum to the Rule of Practice in question is herein enclosed for the approval of Government.

I have the honor to be,
Sir,

Your most obedient servant,

W. A. K. a. M. D.
Registrar.

g. b.

(8/a)

In the Chief Court of Mysore at Bangalore.
Civil Side

Addendum

The 17th day of March 1897.

The Chief Court directs
that the following clause be
added to para 1 of the Rule of
Practice No. 89 dated 15 December
1896, after the word ^{mentioned} "stated":—

"the unexpended stamps
duly punched and cancelled be-
ing attached thereto as vouchers
for the money refunded."

By order

Shyamsundar

Sub Registrar.

No. 11146-7
81265

812-4-9

Section	_____
No.	3-95 th
Serial No.	ending with letter N ^o 4868

Read - Govt Prop No 5564-82 of 14 Nov 96
sanctioning a Rule of Practice authorizing
the Courts to grant refunds of unexpended
process fees

(9)

Correspondence

dated 17th March 1897 from
the Registrar of the Chief
Court of Mysore stating
that unused stamps in
respect of which refunds
are ordered, when
duly punch-
ed and cancelled,
may be sent attached
to the refund orders
issued to the Treasury
officer in order to be
destroyed by him after
satisfying himself that
the value of the stamps
is equivalent to the money
paid, and submitting
for approval, a draft
Addendum to the Rule
of Practice N^o 89 dated

15th

In return at

Draft sent for a p.c.

30-397
+

dated 27/4/97

31/3/97

Spence

3/4/97

3/4/97 to be forwarded

15th December 1896 on the
Subject.

Order

~~Approved~~

7. The Addition ^{is approved and} will be published in the Mysore Gazette, by the Chief Court.

3: The Comptroller ~~will~~^{is} requested to authorize ~~all the~~ District and Taluk Treasury officers to receive and destroy the unused stamps that may be forwarded to them by the Courts.

31/3/97 -

Secretary

To The Registrar, Chief Court,
~~residing at the address:~~
~~deem for publication in the~~
~~Myer's Gazette.~~
 a Comptroller in Myer.

The proposed addition to the Rule
of Practice ~~concerning the drop~~
~~of 1/44 Nov. 1896~~, is approved.

I am not sure
 that this is
 all that is
 needed
 for the
 purpose
 of the
 meeting
 in the
 morning
 of the
 1st of
 the
 year
 1901

Print -

Rec'd
Ret'd.
6/94

9

Proceedings of the Government of Mysore, Judicial, dated 12th April 1897.

READ :—

Government Proceedings No. 5564-5—J. 642, dated 14th November 1896, sanctioning a Rule of Practice authorizing Courts to grant refunds of unexpended process fees.

READ ALSO :—

Correspondence ending with letter No. 4868--203, dated 17th March 1897, from the Registrar of the Chief Court of Mysore :—

Adverting to your letter No. 7129—J. 804, dated 18th December 1896, enquiring, with reference to Rule of Practice No. 89, dated 15th idem, authorizing the refund of unexpended process fees in money, what should be done with the unused stamps in respect of which refunds are ordered, I am directed to state that such stamps, duly punched and cancelled, may be sent attached to the refund orders issued to the Treasury Officer to be destroyed by him after satisfying himself that the value of the stamps is equivalent to the money paid. The Comptroller may be instructed by Government to authorize all the District and Taluk Treasury Officers to receive and destroy the stamps as suggested.

2. A draft addendum to the Rule of Practice in question is herein enclosed for the approval of Government.

IN THE CHIEF COURT OF MYSORE, BANGALORE.

CIVIL SIDE.

Addendum.

The 17th day of March 1897.

The Chief Court directs that the following clause be added to para 1 of the Rule of Practice No. 89, dated 15th December 1896, after the word "situated." :—

"the unexpended stamps duly punched and cancelled being attached thereto as vouchers for the money refunded."

No. 11146-7—J. 1265, DATED, BANGALORE, 12TH APRIL 1897.

ORDER THEREON.—The proposed addition to the Rule of Practice is approved.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore.
The Comptroller in Mysore.

Exd.—H.A.R.

1896-97

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 12th April 1897

No. 11146-7
J. 1265

Sanctioning an addition to the Chief Court's Rule of Practice in the matter of cancelling and destroying unused Court-fee stamps in respect of which refunds are ordered.

1897-98/581

From

OFFICE

3650

30-10-97

(10)

Courts

Section	Office
No	3-98
Serial No	8

The Registrar of the
Chief Court of
Mysore

The Secretary to the
Govt of Mysore

Dated 28 October 1897

Recd 29

30

N^o 2774 Jm:1
185

Forwards for the ap-
proval of Govt a draft
addendum containing
rules providing for the
destruction of unused
stamps.

J 30710297

J. F. No 7 of 1896-97 put up Jm
1-11-97

Sub? to the Secretary

BA 1/11

Culed Bred 2-11

3/11

7623

3-11-97

Convey approval with
the slight modifications mentioned in the letter.
This letter may be printed
in returns with the order thereon
3. 11. 97 Jm

Handwritten signature/initials

N^o 2774 Inc: 1.
185

Bangalore, 28th October 1897.

From

The Registrar of the
Chief Court of Mysore.

(10)

To

The Secretary to the
Government of Mysore.

Sir,

XSN^o. 8

In continuation of this
Office No. $\frac{4868}{203}$ dated 17th March 1897,
I am directed to forward for the
approval of Government a draft
addendum containing rules pro-
viding for the destruction of unused
stamps deposited for the issue of
processes in suits, if they are not
claimed within 3 months from
the date of passing judgment
in the suit, as also for the destruc-
tion of unused stamps in suits
already disposed of, if application
for refund is not made within

3 months' time fixed in the notice
to be published in the Mysore
Gazette.

I have the honor to be,

Sir,

Your most obedient servant,

W. A. H. H. H. H. H.

Registrar.

psb

In the Chief Court of Mysore at Bangalore.

Addendum. $\frac{10}{a}$

The 28th day of October 1897.

The Chief Court directs that the following paras be added to the Rule of Practice No. 89 dated 15th December 1896.

3. The unused stamps for which no refund has been claimed within 3 months from the date of ^{on the} passing the judgment ^{or final order} in the suit, ^{or other proceedings} shall be destroyed by or in the presence of the presiding officer of the Court concerned.

4. As regards unused stamps in suits already disposed of, a notice shall be published in the Mysore Gazette by the presiding officer of the Court concerned, fixing 3 months' time within which application may be made

for

for the refund of the value of such
stamps, and after the lapse of the
said period the stamps shall
be destroyed by, or in the presence
of, the presiding officer of the
Court.

By order.

Dhyanatram

Registrar.

9/6

Press Copy
Sent to Press on
12-11-97

No. 5396-7 of 11-11-97.
Reas- 9621

(11)

The following letter

Section	Police	2774 of 28 th October 1897
No.	3-9	185
Serial No.	9	

In *extenso*

for approval a draft of certain rules proposed to be added to Rule of Practice No 89 of 15th Dec^r 1896 as ~~amended~~ amended by Government Order No 11146-7 of 1265 dated 12th April 1897
(Print in *extenso*)

Order thereon:-

The ^{proposed addition} ~~proposed~~ ~~to be added~~ to Rule of Practice No 89, of ~~15th Dec^r 1896~~ to provide for the destruction of unused stamps produced for process fees if not claimed within

Section 102A

in the Mysore Gazette
by the presiding Officer
of the court concerned,
fixing three monthsⁿ
time within which
application may be
made for the refund
of the value of such
stamps, and after the
lapse of the said ~~period~~
period the stamps
shall be destroyed by,
or in the presence of,
the presiding officer
of the court."

Cl.

Secretary

M-5711/97

- 2 The Registrar of the
Chief Court of Mysore
returning the addendum
for publication as altered.
The Comptroller in Mysore

(11)

Proceedings of the Government of Mysore, Judicial, dated 11th November 1897.

READ :—

The following letter No. 2774—185, dated 28th October 1897, from the Registrar of the Chief Court of Mysore :—

“In continuation of this office No. 4868—203, dated 17th March 1897, I am directed to forward for the approval of Government, a draft addendum containing rules providing for the destruction of unused stamps deposited for the issue of processes in suits, if they are not claimed within three months from the date of passing judgment in the suit, as also for the destruction of unused stamps in suits already disposed of, if application for refund is not made within three months' time, fixed in the notice to be published in the *Mysore Gazette*.”

No. 5396-7—J. 621, DATED, BANGALORE, 11TH NOVEMBER 1897.

ORDER THEREON.—The proposed addition to Rule of Practice No. 89 is approved with a slight verbal modification. The Rule of Practice with such addition will be as follows :—

1. When more than the amount required for the service of process is deposited, or when issue of process becomes unnecessary after deposit, the Courts are authorized to refund to the depositor the amount of the surplus fees in money, by orders payable on the treasuries of the district or taluk in which the Court receiving the process is situated, the unexpended stamps duly punched and cancelled being attached thereto as vouchers for the money refunded.

2. A list, in the subjoined form, of refunds so made must be attached to the half yearly cash balance statements headed “Refunds of process fees” and certified as correct by the Presiding Judge.

Name of depositor.	Date of deposit.	Particulars of process fees paid in stamps.	For what purpose paid.	Why not utilized.	Amount of refund.	Date of refund.

3. The unused stamps, for which no refund has been claimed within three months from the date of the passing of the judgment or order in the suit or other proceeding, shall be destroyed by, or in the presence of, the Presiding Officer of the Court concerned.

4. As regards unused stamps in suits or other proceedings already disposed of, a notice shall be published in the *Mysore Gazette* by the Presiding Officer of the Court concerned, fixing three months' time within which application may be made for the refund of the value of such stamps, and after the lapse of the said period, the stamps shall be destroyed by, or in the presence of, the Presiding Officer of the Court.

C. SREENIVASIENGAR,
Secy. to Govt., Gen. & Rev. Depts.

To—The Registrar of the Chief Court of Mysore, returning the addendum for publication as altered.

The Comptroller in Mysore.

Exd.—H.A.B.

1897-98

GOVERNMENT OF MYSORE

JUDICIAL

PROCEEDINGS

Dated 11th November 1897

No. $\frac{5396-7}{J. 621}$

Approving of the proposed addition to Rule of Practice No. 89, providing for the destruction of unused stamps when refund is not claimed within the prescribed time.

M.G.C.P.B.-24-11-07-150